

**Remarks**

In response to the Office Action dated June 15, 2006, Applicants hereby elect to prosecute without traverse the claims of Group I (claims 9, 12, 14 and 17), drawn to DNA encoding a mutant fluorescent protein.

It is respectfully submitted that all claims are now in condition for allowance, early notice of which would be appreciated. Should the Examiner disagree, Applicant respectfully requests a telephonic or in-person interview with the undersigned attorney to discuss any remaining issues and to expedite the eventual allowance of the claims.

**Except** for issues payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: August 15, 2006  
Morgan, Lewis & Bockius LLP  
Customer No. 09629  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
202-739-3000

Respectfully submitted,  
Morgan, Lewis & Bockius LLP  
*Elizabeth C. Weimar for*  
R. Smyth RN = 50801  
Elizabeth C. Weimar  
Reg. No. 44,478